

### **REMARKS**

Claims 1-20 are pending in this application.

In the office action that was mailed October 30, 2006, claim 8 was objected to because the word “too” in line 7 should have been spelled “to.”

Claims 1-5, 7, 12, 13 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,285,662 to Watanabe.

Claims 6 and 8-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of U.S. pre-grant publication number 2002/0160798 by Shoji.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of U.S. patent number 6,104,929 to Josse.

Claims 15-19 were allowed.

In response to the office action, claim 8 has been amended to change “too” in line 7 to the word “to.” The objection to claim 8 is therefore overcome.

As for the claim rejections, claim 1 has been amended to recite a selector, which delays the generation of a channel allocation request for a selected delay period, while radio communication conditions are inadequate. As stated in the specification text, at line 18 of 7 through line 2 of page 8, communications conditions determine whether the mobile node continues to transmit channel requests or waits to transmit channel requests. If the radio communications conditions are inadequate, as for example when the mobile node is outside of a coverage area, channel allocation requests by the mobile node are delayed. Among other things, battery power is conserved.

Referring now to Watanabe, on which claim 1 was rejected under §102, Watanabe teaches that data packets and requests are communicated within a “contention window.” (See e.g., column 9, lines 12-17.) In column 9, lines 25-32, Watanabe teaches that contention window width varies with “*traffic* conditions,” which are also referred to as being either “significant,” “heavy” and “low.” *Id.* See also column 12, lines 15-29, where Watanabe states again that transmission attempts and window width is determined by *traffic* conditions. Watanabe’s “traffic conditions” refer to traffic loading and they are not the same as the applicant’s radio communications conditions recited in amended claim 1.

Claim 1 as amended avoids Watanabe and is therefore in condition for allowance. The claims that depend from claim 1, i.e. claims 2 -14, are therefore also allowable over Watanabe and the secondary references combined with Watanabe.

Claims 15-19 were allowed, however, claim 15 has been superficially amended to correct an obvious typographical error.

Independent claim 20 has been amended to claim that in a radio communications system, a mobile node communicates data with a "network part" of the system, so long as the signal strength between the mobile node and the network part is adequate. No new matter has been added.

For the reasons set forth above, the rejections of claims 1-20 have been traversed and the pending claims are in condition for allowance. Reconsideration of the claims is requested.

Respectfully submitted,

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